



City Council Staff Report

Meeting Date: April 20, 2020

TO: Marco Island City Council

FROM: Daniel J. Smith, AICP, Director of Community Affairs

DATE: March 16, 2020

RE: Variance Petition VP19-001071, Variance to Section 30-524. Temporary Signs-Planning Board Recommendation

OWNER:

BRE Mariner Town Center LLC
c/o BRE SE Retail Holdings, LLC
Ryan LLC Tax Compliance
P.O. Box 4900 – Dept. 124
Scottsdale, AZ 85261

OWNER's AGENT:

Jack D. May Jr.
Magee Sign Service
1511 20th Ave. East
Palmetto, FL 34221

PROJECT ADDRESS:

Street Address: 1089 N. Collier Blvd.
Marco Island, FL 33950

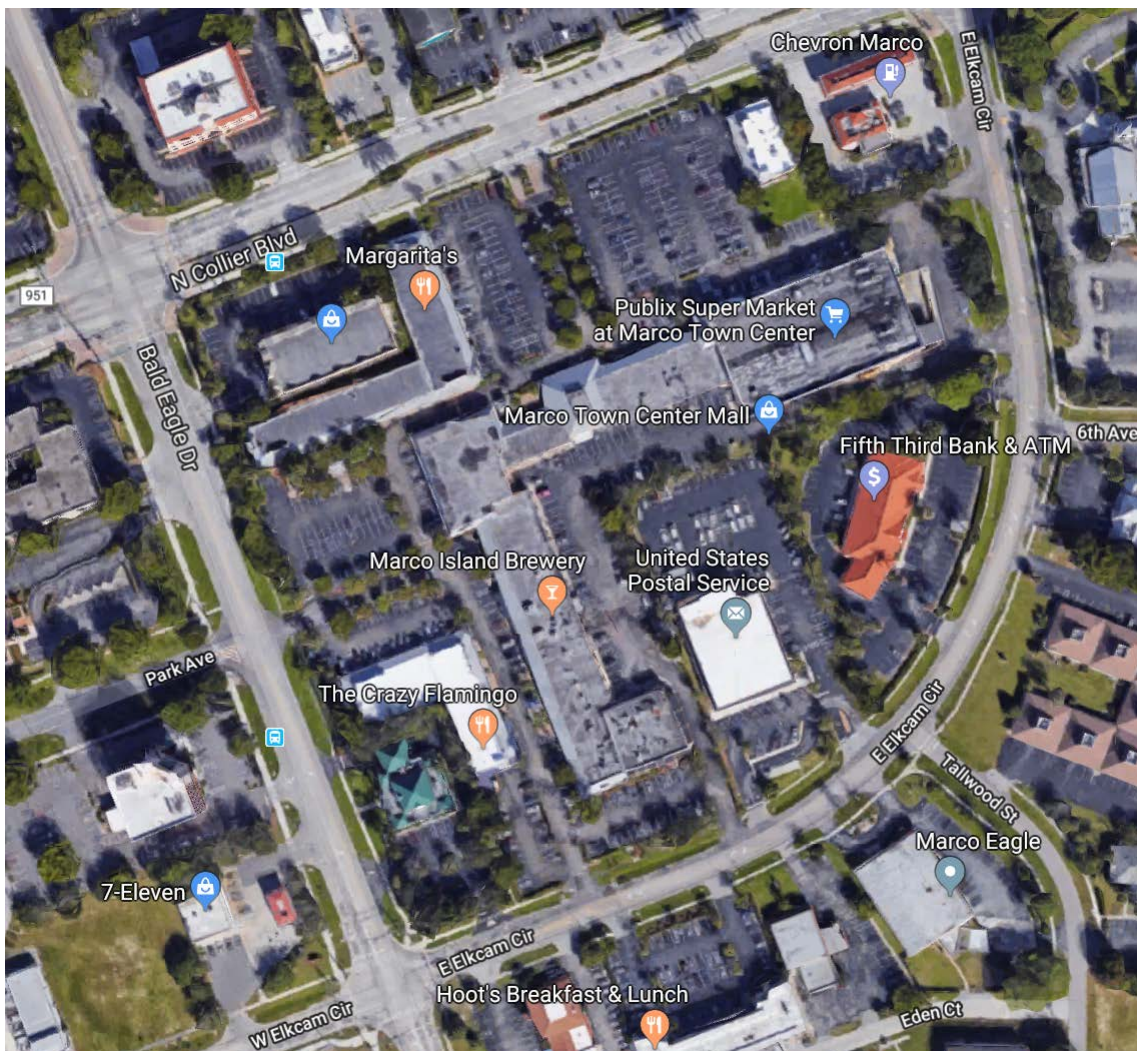
Legal Description:

That certain parcel of land lying in and being a part of a portion of Tract G, Marco Beach Unit Four, according to the plat thereof, as recorded in Plat Book 6, Pages 32 through 37, Public Records of Collier County., and being more particularly described as follows:

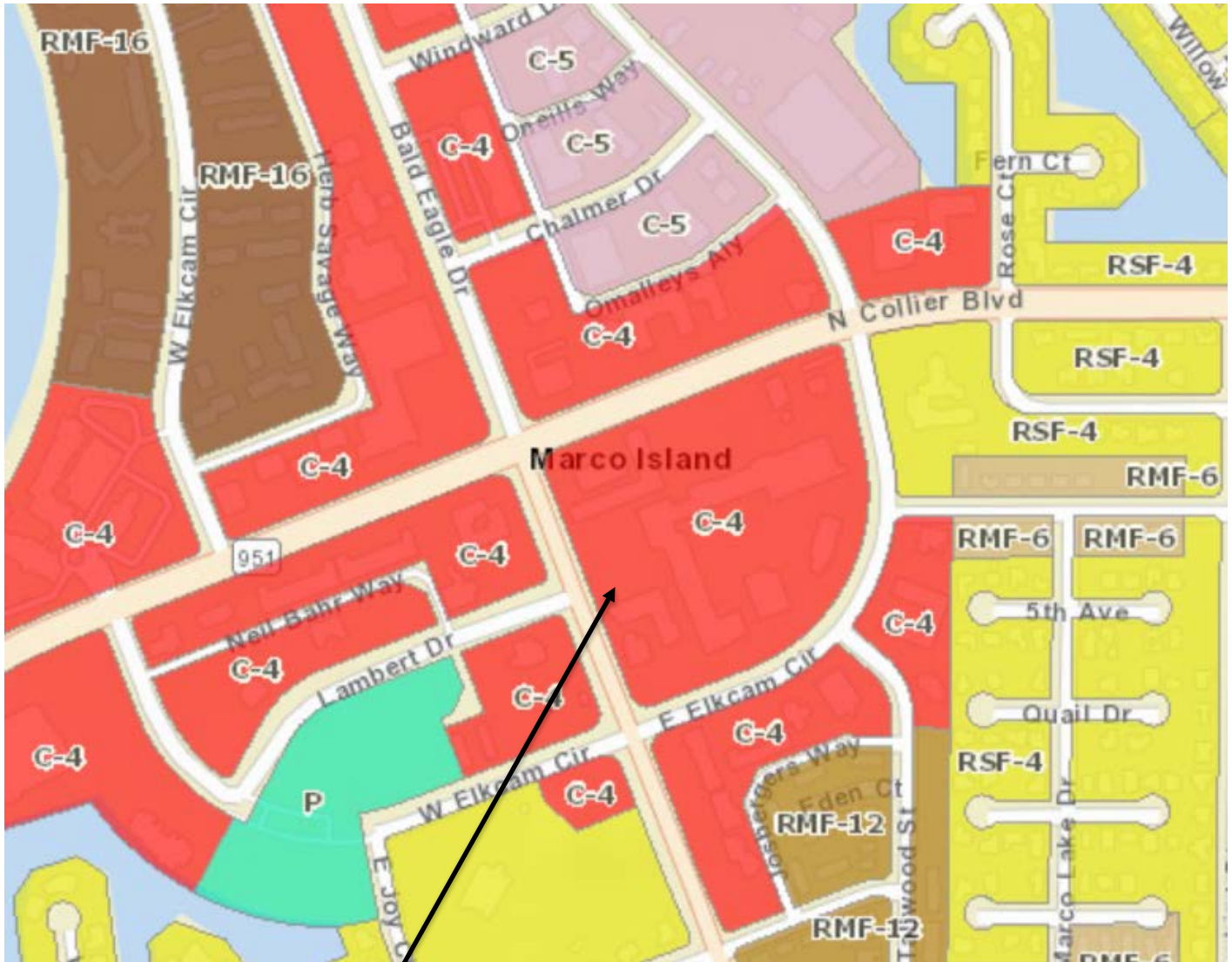
Commencing at the centerline of the intersection of North Collier Boulevard and State Road 953, formerly known as S-951 thence run S. 20° 52' 10" E. along said centerline of SR 953 a distance of 215.00 feet; thence run N. 69° 07' 50" E. for a distance of 50 feet to a point on the Northeasterly right-of-way of said SR-953 to the Point of Beginning of the parcel hereinafter described; thence run N. 68° 56' 14" E. for a distance of 250.56 feet; thence N. 21° 03' 46" W. for a distance of 165.00 feet on the Southeasterly right-of-way line of North Collier Boulevard; thence N. 68° 56' 14" E. along said right-of-way line for a distance of 489.88 feet to a point of curvature of a circular curve to the right having a radius of 1950 feet; thence run Easterly along said right-of-way line and the arc of said curve with a central angle of 00° 57' 41 " for a distance of 32.72 feet; thence leaving said right-

of-way line S. $21^{\circ}03'46''$ E. for a distance of 189.73 feet; thence run N. $68^{\circ}56'14''$ E. for a distance of 160.00 feet to a point on the Westerly right-of-way line of Elkcarn Circle, as shown on said plat of Marco Beach Unit Four; thence run S. $11^{\circ}37'15''$ E. along said Westerly right-of-way line for a distance of 155.72 feet to the point of curvature of a circular curve to the right having a radius of 560 feet; thence run Southerly along said right-of-way line and the arc of said curve having a central angle of $06^{\circ}58'29''$ for a distance of 68.17 feet; thence leaving said right-of-way line S. $68^{\circ}56'14''$ W. for a distance of 474.21 feet; thence run S. $21^{\circ}03'46''$ E. for a distance of 398.22 feet to a point on the Northerly right-of-way line of said Elkcarn Circle, said point being on a curve having a radius of 560 feet; thence along said right-of-way curving to the right and having a central angle of $06^{\circ}54'48''$ for a distance of 67.57 feet to the end of the curve; thence continue along said right-of-way line S. $69^{\circ}25'00''$ W. for a distance of 220.20 feet; thence leaving said right-of-way line N. $20^{\circ}52'10''$ W. for a distance of 255.29 feet; thence S. $69^{\circ}07'50''$ W. for a distance of 132.50 feet to a point of the Easterly right-of-way line of State Road 953; thence N. $20^{\circ}52'10''$ W. along said right-of-way line for a distance of 389.00 feet to the point of beginning.

SUBJECT PARCEL AERIAL:



SUBJECT PARCEL ZONING MAP:



Zoning:

C-4

PROJECT DESCRIPTION:

The request is a variance to Section 30-524. (c) to allow for sixteen (16) temporary signs ranging in size from a 4' x 4' up to a 5' x 15' size. Below is a copy from the application on type, size and location of each.

MARCO TOWN CENTER

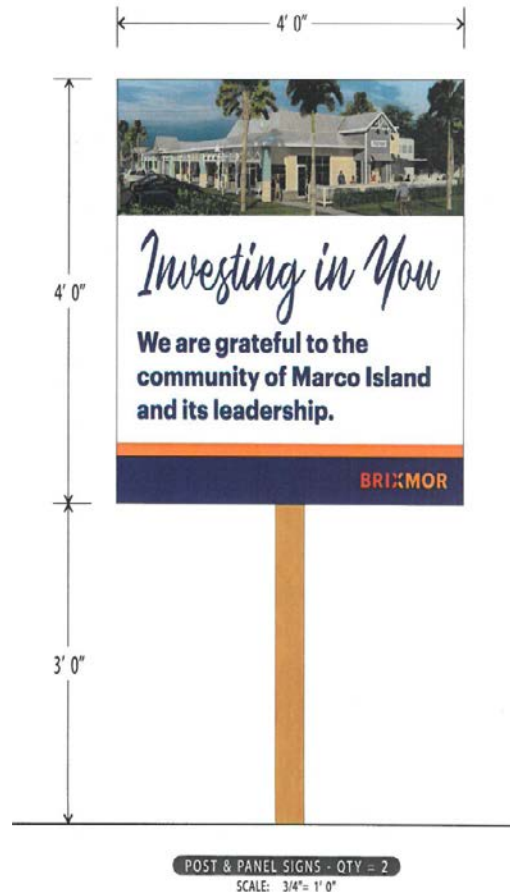
VARIANCE PETITION PROPOSED ADDITIONAL TEMPORARY SIGNAGE

#	NUMBER OF SIGNS	SIGN TEXT/GRAPHIC	SIZE
1.	4	All stores are open during renovation – Enter this way >	4' x 4'
2.	2	We are grateful the community of Marco Island and its leadership	4' x 4'
3.	2	Pardon our dust – First Dirt. Then Dazzle	4' x 8'
4.	2	Building a better center – We're open. And excited	4' x 8'
5.	2	239.334.3040 - Let's find your perfect fit.	4' x 8'
6.	2	Building a better center in partnership with FMGI Building Excellence	4' x 8'
7.	2	Coming Soon Banner (installed on periphery NE & SW buildings)	5' x 15'

Graphic renditions of the above signs are attached in their number order with this sheet.

The purpose of these additional temporary signs is twofold:

1. These signs and banners will provide directions and information about the renovation for the public as well as store employees and service/delivery vehicles.
2. Provide a degree of camouflage for renovation activities. With 1,450 lineal feet of street frontage the signage only represents approximately 150 lineal feet or roughly 10% of the available frontage.



Total Banner Area = 75 sq. ft.

SPECIFICATIONS

Manufacture & Install (1) single-face tenant ID banner

- a) Banner to be ±13 oz. White substrate w/ hem & grommets around perimeter
- b) Images will be digitally printed directly to substrate

3
8' 0"

PARDON OUR DUST

First dirt. Then dazzle.

BRIXMOR brixmor.com

BANNER "1" - QTY = 2
 SCALE: 1/2" = 1' 0"

4
8' 0"

BUILDING A BETTER CENTER

We're open. And excited.

BRIXMOR brixmor.com

BANNER "2" - QTY = 2
 SCALE: 1/2" = 1' 0"

4' 0"

5

239.334.3040

Let's find your perfect fit.

BRIXMOR brixmor.com **OTCG**

BANNER "3" - QTY = 2
 SCALE: 1/2" = 1' 0"

6

BUILDING A BETTER CENTER
IN PARTNERSHIP WITH

FIVGI

BUILDING EXCELLENCE

BRIXMOR brixmor.com

BANNER "4" - QTY = 2
 SCALE: 1/2" = 1' 0"

4' 0"

SPECIFICATIONS

Manufacture & Deliver (8) single-face fence banners

a) Substrate to be White banner mesh w/ digitally printed graphics on one side & will have hem & grommets around perimeter & include zip-tie fasteners

Total Banner Area = 32 sq. ft. ea.

STAFF ANALYSIS

Section 30-524 Temporary Signs provides regulations regarding (a) real estate signs, (b) model home signs and (c) signs for sites with an active building permit. Simply put, one sign is allowed in each category with a few instances that allow for two. In addition to the number of signs specified in Sec. 30-524, there is a maximum height requirement of 6 feet high with a maximum size of 4 square feet and a setback of either 10 feet from the property line or 2 feet off the back of a sidewalk. This request is to allow the signs identified in the beginning of this report.

Staff believes the variance is not out of line due to the size of the development and because the construction is taking place all at once.

Staff has two concerns. The first being when will the signs be removed? Since this is a large redevelopment project, Staff suggests when the site work is completed. The thought being temporary construction signs will not be needed since the shopping center will be accessible and construction fencing is removed. This has been added as a condition of approval.

The other concern is keeping the signs in good condition. Our concern is temporary signs are not as sturdily constructed as a permanent and could fade faster, rip easily, fall, etc. We have added a condition that the signs shall be maintained in good repair at all time.

Below is the applicant's response to the general criteria used for a variance.

<p><u>NATURE OF PETITION</u></p> <p>Please note that staff and the Marco Island Planning Board shall be guided in their recommendation to City Council acting as the Board of Zoning Appeals, and that City Council shall be guided in its determination to approve or deny a variance petition by the below listed criteria. Please provide a <i>narrative</i> response to the listed criteria and/or questions. Attach additional pages if necessary.</p> <p>1. Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure or building involved? <u>Marco Island Town Center is undergoing a complete renovation which will occur in phases. Confusion regarding areas of egress and whether or not the individual stores are open or closed is a concern for both the retailers and their clients.</u></p> <p>2. Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request? <u>No</u></p> <p>3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship or create practical difficulties on the applicant? <u>Yes. Due to the property size and configuration during the renovation, the limitation of the size and number of temporary signs (both directional and informational) can cause confusion for tenants and clients.</u></p>

4. Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare?

Yes. The request for additional temporary signage (Drawings and Site Plan Attached) will direct and inform business owners

their employees, delivery and service vehicles, and those shopping at Marco Town Center. This will create a safer and more

pleasing experience for the neighborhood and all those who will enter the Center.

5. Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

No. This is assuming any other petitioner under similar circumstance and zoning district would have equal opportunity to secure

a variance.

6. Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

Yes. The additional temporary signage ensures the public is informed about the renovation while acting as a guide while for

safely entering and exiting the property. Placement of the signs and the quality of the graphics will give the Center a more visually

appealing look, making interaction with the surrounding business community equally appealing.

7. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc?

No.

8. Will granting the variance be consistent with the growth management plan?

Yes. The need for the temporary signage will be approximately one year and have no impact on the growth management plan.

However the renovation of Marco Town Center is completely consistent with the growth management plan.

Below are the criteria used when considering a variance request and Staff responses to the criteria:

1. Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, building or sign involved.

Staff Response: The special condition and circumstance is the site is irregularly shaped and contains seven curb cuts off of three primary roads.

2. Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request.

Staff Response: The special condition is the owners are upgrading the entire center, which the City supports and approved.

3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.

Staff Response: The literal interpretation will provide undue hardship, not just on the owner, but on the customers and visitors to the center by not having temporary directional signs.

4. Will the variance, if granted, be the minimum variance that will make possible the reasonable placement or use of the sign to promote standards of health, safety or welfare.

Staff Response: The requested variance, if granted, will promote the safety of the customers and visitors to the center.

5. Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, structures or signs in the same zoning district.

Staff Response: Technically, the granting of any variance confers special privilege. However, the redevelopment of a whole shopping center is infrequently seen on the Island.

6. Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Staff Response: Granting the variance will be in harmony with the intent and purpose of the sign regulations by providing directional and informational signage.

7. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc.

Staff Response: The requested variance does not meet this criteria.

8. Will granting the variance be consistent with the growth management plan.

Staff Response: The granting of the variance will be consistent the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends the Planning Board forward a recommendation of approval with the below findings and conditions:

Findings:

1. The special condition and circumstance is the site is irregularly shaped and contains seven curb cuts off of three primary roads.
2. The special condition is the owners are upgrading the entire center, which the City supports and approved.
3. The literal interpretation will provide undue hardship, not just on the owner, but on the customers and visitors to the center by not having temporary directional signs.
4. The requested variance, if granted, will promote the safety of the customers and visitors to the center.
5. Technically, the granting of any variance confers special privilege. However, the redevelopment of a whole shopping center is infrequently seen on the Island.
6. Granting the variance will be in harmony with the intent and purpose of the sign regulations by providing directional and informational signage.
7. The granting of the variance will be consistent the Comprehensive Plan.

Conditions:

(a) The variance shall expire upon the completion of Subject Property renovation but in no event later than 545 days (approximately 18 months) after the adoption date of this Resolution by the City Council; and

(b) The Owner/Developer shall be responsible for maintaining all signs and keeping them in good repair, free of fading, ripping, falling apart, and similar condition.

PLANNING BOARD RECOMMENDATION

The Planning Board considered this request and held a public hearing at their March 6, 2020 meeting. There was discussion on how the signs are already installed. Upon conclusion of the discussion, the Planning Board voted 4-2 to forward a recommendation of approval with the suggestion that the applicant consider the safety of the area and sign pollution.

Daniel J. Smith, Director of Community Affairs
City of Marco Island